

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 15024 of 2006(L)

AGAINST THE ORDER IN EP 207/2002 IN
OS.245/2001 of PRL.S.C.,THALASSERY

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PETITIONER:

P.K.SUHAS,
S/O.LATE P.KUNHIRAMAN,
DRIVER, PACHA HOUSE, CHALAD,
KANNUR-14.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

STATE BANK OF INDIA,
S.I.B.BRANCH, KANNUR,
BY ITS BRANCH MANAGER.

BY ADV. SRI.K.K.CHANDRAN PILLAI FOR R1
SRI.REJOY RAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

Ext.P1:- True copy of the counter in E.P.207/02 in O.S.245/01.

Ext.P2:- True copy of interim order in W.P.16542/04 dt.8.6.04.

Ext.P3:- True copy of judgment in W.P.16542/04 dated 28.9.04

Ext.P4:- True copy of affidavit and petition in E.P.207/02 in O.S.245/01.

Ext.P5:- True copy of order of the Sub Court, Thalassery in E.A.503/05 in E.P.207/02 dt. 24.3.06.

/true copy/

P.S. To Judge

M.SASIDHARAN NAMBIAR, J.

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W.P.(C) NO. 15024 OF 2006

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Dated this the 29th day of November, 2006

JUDGMENT

This petition is filed under Article 227 of Constitution of India challenging Ext.P5 order whereunder the application filed for appointment of an advocate Commission to value the property sought to be sold was dismissed. As per order dated 9.6.06, this court directed petitioner to deposit Rs.1,00,000/- within one month. Petitioner did not deposit the amount. As per order dated 31.8.06, he was again directed to deposit the amount, within six weeks so that the order of stay originally granted will continue. Petitioner did not deposit that amount also. Ext.P5 order passed by the executing court reveals that petitioner had earlier filed W.P.(C) 10960/05 against the order passed by the executing court, for sale of the entire property contending that only a portion of the property need be sold for realisation of the debt.

But for non-compliance with the condition as directed by this court the petition was dismissed. Again petitioner filed W.P.(C)16542/04 which was disposed by Ext.P3 judgment granting reasonable time to pay the balance amount due. In view of the facts and circumstances, there is no infirmity in Ext.P5 order. I do not find any reason to interfere with Ext.P5 order in exercise of the extra ordinary jurisdiction of this court under Article 227 of Constitution of India.

Writ Petition is dismissed.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006